

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----	X	
	:	
DAMON JONES,	:	
	:	
Plaintiff,	:	
	:	23-CV-2277 (VSB)
-against-	:	
	:	<u>ORDER</u>
WHITE DRUG CO. OF JAMESTOWN, INC.,	:	
	:	
Defendant.	:	
	:	
-----	X	

VERNON S. BRODERICK, United States District Judge:


Plaintiff filed this action on March 16, 2023, (Doc. 1), and filed an affidavit of service on April 25, 2023 (Doc. 5.) The deadline for Defendant to respond to Plaintiff's complaint was May 5, 2023. (*Id.*)

After missing its initial deadline by nearly two weeks, Defendant requested an extension of time to answer or otherwise respond to the complaint. (Doc. 7.) I granted this extension, and directed Defendant to answer or otherwise respond to the complaint by June 30, 2023. (Doc. 7.) However, to date, Defendant has not responded to the complaint. On May 11, 2023, I directed Plaintiff to seek default judgment by no later than May 24, 2023. (Doc. 6.) I warned, "If Plaintiff fails to do so or otherwise demonstrate that they intend to prosecute this litigation, I may dismiss this case for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b)." (*Id.*) Plaintiff, however, has not sought default judgment or taken any action to prosecute this case.

Accordingly, Plaintiff's claims are dismissed without prejudice pursuant to Rule 41(b). The Clerk of Court is respectfully directed to terminate this action.

SO ORDERED.

Dated: July 13, 2023
New York, New York



VERNON S. BRODERICK
United States District Judge